

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
MONDAY, OCTOBER 7, 2002
AT 2:00 P.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

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CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Murphy at 2:06 p.m. The meeting was recessed by Mayor Murphy at 4:13 p.m. for the purpose of a break. The meeting was reconvened by Mayor Murphy at 4:22 p.m. with all Council Members present. The meeting was recessed by Mayor Murphy at 6:00 p.m. for the purpose of a break. The meeting was reconvened by Mayor Murphy at 6:05 p.m. with Council Member Maienschein not present. Mayor Murphy adjourned the meeting at 6:31 p.m. into Closed Session at 9:00 a.m. on Tuesday, October 8, 2002, in the twelfth floor conference room to discuss existing and anticipated litigation.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Wear-present
- (3) Council Member Atkins-present
- (4) Council Member Stevens-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council Member Inzunza-present
- Clerk-Abdelnour (ek)

FILE LOCATION: MINUTES

ITEM-1: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Wear-present
- (3) Council Member Atkins-present
- (4) Council Member Stevens-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council Member Inzunza-not present

ITEM-10: INVOCATION

Invocation was given by Dr. Darrow Perkins, Jr., of
Mesa View Baptist Church.

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by City Attorney Gwinn.

ITEM-30: Fire Prevention Services Week.

COUNCILMEMBER WEAR'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-425) ADOPTED AS RESOLUTION R-297119

Proclaiming the week of October 6 through 12, 2002, as "Fire Prevention Services Week" in the City of San Diego, and encouraging the community to observe this week with appropriate programs, ceremonies, and activities.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A217-329.)

MOTION BY WEAR TO ADOPT. Second by Frye. Passed by the following vote:
Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea,
Inzunza-not present, Mayor Murphy-yea.

ITEM-31: Reverend Roy Dixon Day.

DEPUTY MAYOR STEVENS' RECOMMENDATION:

Adopt the following resolution:

(R-2003-397) ADOPTED AS RESOLUTION R-297120

Commending Reverend Roy Dixon for his achievements and dedication
throughout the community;

Proclaiming October 7, 2002 to be "Reverend Roy Dixon Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A175-216.)

MOTION BY STEVENS TO ADOPT. Second by Wear. Passed by the following vote:
Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea,
Inzunza-not present, Mayor Murphy-yea.

* ITEM-50: Office Space Lease Amendment - Civic Center Plaza Building - City Attorney's
Office.

(Centre City/Downtown Community Area. District-2.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 9/24/2002. (Council voted 8-0. Councilmember Wear not present):

(O-2003-41) ADOPTED AS ORDINANCE O-19108 (New Series)

Authorizing the City Manager to execute a Tenth Amendment to Lease Agreement with Civic Center Associates for additional office space of approximately 4,027 square feet on the 16th floor of the Civic Center Plaza Building, for the Office of the City Attorney, commencing May 16, 2002 and terminating July 23, 2014, at an initial monthly rent of \$5,436.45;

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$73,000 from the Office Space Program Budget, DE #2300033, Line 1, out of the relocation fund account already budgeted in FY02. Fund No. 100, Dept. 601 will pay rent from July 1, 2002 to June 30, 2003. The City Attorney's Office will pay the rent from May 16, 2002 to June 30, 2002, out of its department budget.

NOTE: 6 votes required pursuant to Section 99 of the City Charter.

FILE LOCATION: LEAS-Civic Center Associates

COUNCIL ACTION: (Tape location: A610-B071.)

CONSENT MOTION BY STEVENS TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-51: Installation of Additional Parking Meters on State Street; Union Street; Front Street; Market Street; Island Avenue; First Avenue; Second Avenue; Third Avenue; Fourth Avenue; "G" Street; "J" Street and "K" Street.

(Centre City Community Area. District-2.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 9/24/2002. (Council voted 8-0. Councilmember Wear not present):

(O-2003-54) ADOPTED AS ORDINANCE O-19109 (New Series)

Authorizing the installation of additional parking meters on the following streets: the west side of State Street between "E" Street and Market Street, and on the east side of State Street between "G" Street and Market Street on the west side of Union Street between "G" Street and Island Avenue, and on the east side of Union Street between Market Street and Island Avenue; on the west side of Front Street between "G" Street and Market Street, and on the east side of Front Street between "F" Street and "G" Street; on the north side of Market Street between State Street and Union Street and between Front Street and First Avenue, and on the south side of Market Street between Union Street and Front Street, and between First Avenue and Second Avenue; on the north side of Island Avenue between Union Street and Second Avenue, and on the south side of Island Avenue between First Avenue and Second Avenue; on the west side of First Avenue between "F" Street and "G" Street, and on the east side of First Avenue at the intersection with the vacated portion of "J" Street (approximately 60 feet); on the west side of Second Avenue between Market Street and "J" Street; on the east and west side of Third Avenue between "J" Street and "K" Street; on the east side of Third Avenue between "J" Street and Market Street; on the west side of Fourth Avenue between "K" Street and Market Street; on the north side of "G" Street between Front Street and Fourth Avenue; on the north side of "J" Street between Second Avenue and Fourth Avenue, and on the south side of "J" Street between First Avenue and Third Avenue; on the north side of "K" Street between Third Avenue and Fourth Avenue; and on the west side of 3rd Avenue, between Island Avenue and "J" Street.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: F268-282.)

MOTION BY WEAR TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-not present, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-52: Fairbanks Country Villas.

(RZ/Easement Vacation/VTM/PDP/RPO/Project No. 3327. Torrey Highlands Community Plan area. District-1.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 9/24/2002. (Council voted 7-0. Councilmembers Wear and Madaffer not present):

(O-2003-59 Corr. Copy) ADOPTED AS ORDINANCE O-19110 (New Series)

Incorporating the Fairbanks Country Villas Property, located south of Carmel Valley Road, northeast of future State Route 56, north of Street B and west of the proposed Camino Ruiz alignment on both sides of McGonigle Canyon, in the Torrey Highlands Subarea IV Plan Area, in the City of San Diego, California, from the A-1-10 Zone into the RS-1-14 (Residential Single Unit) and OC-1-1 (Open Space Conservation) zones.

FILE LOCATION: LUP-Fairbanks Country Villas, 09/24/02 (65)

COUNCIL ACTION: (Tape location: E195-219.)

MOTION BY PETERS TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Atkins. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-53: Torrey Ranch Rezone.

(Torrey Highlands Subarea IV Community Plan area. District-1.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 9/24/2002 (Council voted 6-1. Deputy Mayor Stevens voted nay. Councilmembers Wear and Madaffer not present.):

(O-2003-57) ADOPTED AS ORDINANCE O-19111 (New Series)

Rezoning 26.3 acres, located north of Torrey Meadows Drive, south of Carmel Valley Road, west of proposed Camino Ruiz Road, in the Torrey Highlands Subarea IV Plan area of the North City Planned Urbanizing area from the A-1-10 and HRO zones (old code) into the RX-1-2, OP-2-1, and OC-1-1 zones; and repealing Ordinance No. 8858 (New Series), adopted July 10, 1963, of the ordinances of the City of San Diego insofar as the same conflicts herewith.

FILE LOCATION: LUP-Torrey Ranch, 9/24/02 (65)

COUNCIL ACTION: (Tape location: E125-194.)

MOTION BY PETERS TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Atkins. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-54: Shaw Property Rezone.

(Torrey Highlands Subarea IV Community Plan area. District-1.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 9/24/2002 (Council voted 6-0. Councilmembers Wear, Madaffer and Inzunza not present.):

(O-2003-56) ADOPTED AS ORDINANCE O-19112 (New Series)

Rezoning a portion of 39.4 acres, located between Torrey Meadows Drive and Torrey Santa Fe Road west of Camino Ruiz, in the Torrey Highlands Subarea IV Plan area, from the AR-1-1 into the RX-1-2, RM-2-5 and OC-1-1 zones; and repealing Ordinance Nos. 8858 (New Series) and 12657 (New Series), adopted July 18, 1963 and May 22, 1979 respectively, of the ordinances of the City of San Diego insofar as the same conflict herewith.

FILE LOCATION: LAND-Torrey Highlands Subarea IV (10)

COUNCIL ACTION: (Tape location: A610-B071.)

CONSENT MOTION BY STEVENS TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

- * ITEM-55: Exempt a Council Representative I position from the Classified Service for Council District Six.

COUNCILMEMBER FRYE'S RECOMMENDATION:

Introduce the following ordinance:

(O-2003-65) INTRODUCED, TO BE ADOPTED ON OCTOBER 21, 2002

Introduction of an Ordinance exempting a Council Representative I position from the Classified Service for Council District 6.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A610-B071.)

CONSENT MOTION BY STEVENS TO INTRODUCE THE ORDINANCE. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

- * ITEM-56: Exempting a Position from Classified Service in the Governmental Relations Department.

(See memoranda from Rich Snapper dated 9/9/2002 and Andrew Poat dated 8/20/2002.)

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-2003-66) INTRODUCED, TO BE ADOPTED ON OCTOBER 21, 2002

Introduction of an Ordinance exempting an Assistant to the Director Position from the Classified Service in the Governmental Relations Department.

CITY MANAGER SUPPORTING INFORMATION:

The Governmental Relations Department requests that an existing Classified Service position as a Senior Management Analyst be exempted from the Classified Service to an Unclassified Service position as an Assistant to the Director, pursuant to Charter Section 117, which holds that the Unclassified Services shall include "managerial employees having significant responsibilities for formulating and administering department policies and programs." The request is sought due to a significant enhancement of job responsibilities resulting from a departmental reorganization.

FISCAL IMPACT: None.

Uberuaga/Poat

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A610-B071.)

CONSENT MOTION BY STEVENS TO INTRODUCE THE ORDINANCE. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-100: Two actions related to Awarding a Contract and Authorizing Additional Funding for the Construction of East Linda Vista Trunk Sewer - Phase II.

(See memorandum from Frank Belock, Jr. dated 6/13/2002. Linda Vista Community Area. District-6.)

TODAY'S ACTIONS ARE:

Adopt the following resolutions:

Subitem-A: (R-2003-360) ADOPTED AS RESOLUTION R-297121

Accepting the low base bid and awarding a contract to BRH-Garver, Inc., for the construction of East Linda Vista Trunk Sewer - Phase II in the amount not to exceed \$2,173,467.50;

Authorizing the transfer of an amount not to exceed \$1,346,162 from Fund 41506, CIP-46-191.0, Brine Management Force Main and Pump Station to Fund 41506, CIP-46-162.0, East Linda Vista Trunk Sewer - Phase II;

Authorizing the expenditure of an amount not to exceed \$2,422,252 for Fiscal Year 2003;

Authorizing the additional expenditure of an amount not to exceed \$583,324.86 from Sewer Fund 41506, CIP-46-162.0, East Linda Vista Trunk Sewer - Phase II, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for such expenditure under established contract funding phases are, or will be, on deposit with the City Treasurer. (BID-K02074C)

Subitem-B: (R-2003-361) ADOPTED AS RESOLUTION R-297122

Stating for the record that the information contained in Mitigated Negative Declaration LDR-41-0050, including any comments received during the public review process, has been reviewed and considered by Council and it is determined that no substantial changes or new information of substantial importance within the meaning of CEQA Guideline section 15162 would warrant any additional environmental review in connection with approval of the Project;

Directing the City Clerk to file a Notice of Determination (NOD) with the City Clerk of the Board of Supervisors for the County of San Diego regarding the project.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 6/26/2002, NR&C voted 4 to 0 to approve the project and direct staff to review bids starting from July 1, 1999, to the present and conduct an analysis/breakdown of all costs associated with CIP projects. (Councilmembers Wear, Frye, Madaffer and Inzunza voted yea. Councilmember Peters not present.)

CITY MANAGER SUPPORTING INFORMATION:

East Linda Vista Trunk Sewer Phase II is part of the City of San Diego's Continuing Annual Water and Sewer Main Replacement Program. The existing pipelines were installed as early as 1942 and are deteriorated, requiring replacement. This project is in the Linda Vista Community area.

The work consists of replacing approximately 5,300 linear feet of clay sewer main and rehabilitating 3,112 linear feet of clay sewer main. The work also involves abandoning 5,757 linear feet of clay sewer main and re-routing the sewer flow away from the canyon. This project includes the construction of ten (10) pedestrian ramps and the slurry sealing of impacted streets. During the design phase, this project was presented several times to the Linda Vista Community Planning Group.

The contractor will be required to provide traffic control plans for the project to the City of San Diego's Traffic Signal Design and Traffic Control Section for approval. During the construction phase of the project, the contractor will be working between 8:30 a.m and 3:30 p.m, Monday to Friday. Residents will be notified by mail at least one (1) month before construction begins by the City's Field Engineering Division of the Engineering and Capital Projects Department and again ten (10) days before construction begins by the contractor through hand distribution.

The advertising of this project was approved by the City Council on February 25, 2002. Bids were opened on March 6, 2002. There were twenty-six (26) bid packages issued and three (3) bid packages received. BRH Garver, Inc., was the lowest bidder with a bidding amount of \$2,173,467.50 which was 21% higher than the engineer's estimate. The engineer's estimate was performed utilizing the most up-to-date bid prices available in October 2001. Based upon current cost data now available, staff believes the contractor's estimate is acceptable and readvertising will not result in lower bids.

FISCAL IMPACT:

The total cost of this project is \$2,855,589.86. Authorizing an additional expenditure of \$583,324.86 from Sewer Fund 41506, CIP-46-162.0, East Linda Vista Trunk Sewer Phase II.

This project is scheduled to be phase funded over FY 2003 to FY 2004. Funding for Phase I (FY 2003) is available in Sewer Fund 41506, CIP-46-162.0, East Linda Vista Trunk Sewer Phase II in the amount of \$2,422,252 for this purpose.

Loveland/Belock/HR

Aud. Cert. 2300226.

FILE LOCATION: SUBITEMS A&B: CONT-BRH-Garver, Inc.

COUNCIL ACTION: (Tape location: A610-B071.)

CONSENT MOTION BY STEVENS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-101: Two actions related to Inviting Bids and Award of Contract for Sewer Group 640.

(See memorandum from Frank Belock, Jr. dated 7/08/2002. Greater Golden Hill Community Area. District-3.)

TODAY'S ACTIONS ARE:

Adopt the following resolutions:

Subitem-A: (R-2003-239) ADOPTED AS RESOLUTION R-297123

Approving the plans and specifications for the furnishing of all labor, material, tools, equipment, transportation and other expense necessary or incidental for Sewer Group 640 [Project], on Work Order No. 173291;

Authorizing the City Manager to establish contract funding phases and to execute a contract with the lowest responsible and reliable bidder for the Project, provided that the City Auditor and Comptroller first furnishes one or more certificates demonstrating that the funds necessary for such expenditure under established contract funding phases are, or will be, on deposit with the City Treasurer;

Authorizing the expenditure of not to exceed \$5,990,100 from Sewer Fund 41506, CIP-44-001.0, Annual Allocation - Sewer Main Replacement, for the purpose of providing funds for the Project and related costs, provided that the City Auditor and Comptroller first furnishes one or more certificates demonstrating that the funds necessary for such expenditure under established contract funding phases are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K03020C)

Subitem-B: (R-2003-240) ADOPTED AS RESOLUTION R-297124

Certifying that the information contained in Mitigated Negative Declaration LDR-41-0338, has been completed in compliance with the California Environmental Quality Act of 1970, as amended, and State guidelines, and that said Declaration reflects the independent judgement of the City as Lead Agency and that the information contained, together with any comments received during the public review process, has been reviewed and considered by the Council in connection with approval of construction of Sewer Group 640;

Declaring that the Council finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and approving the Mitigated Negative Declaration;

Approving LDR-41-0338 and adopting Mitigation Monitoring and Reporting Program;

Directing the City Clerk to file a Notice of Determination (NOD) with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 7/17/2002, NR&C voted 5 to 0 to approve. (Councilmembers Peters, Wear, Frye, Madaffer, and Inzunza voted yea.)

CITY MANAGER SUPPORTING INFORMATION:

Sewer Group 640 project is part of the continuing annual Capital Improvements Program to replace old concrete sewer mains. This project proposes to install approximately 12,010 feet of 8-inch sewer main and rehabilitate approximately 404 feet of existing 10-inch and 1,888 feet of existing 8-inch sewer mains. This project also includes 125 replumbs to connect the new laterals to the new sewer mains being installed in the City of San Diego right-of-ways.

Sewer Group 640 project is located within the community of Greater Golden Hill. The following streets will be affected by the construction operations: 31st, 32nd, 33rd, Bancroft, Cedar, Edgemont, Elm, Felton, Grape, and Ivy. The Contractor will be required to provide and implement the approved traffic control plans as shop drawings for this project. Construction will be operated during normal hours, between 8:30 a.m. and 3:30 p.m. We will construct 30 pedestrian ramps as part of this project.

FISCAL IMPACT:

The total estimated cost of this project is \$5,990,100. Funding in the amount of \$5,990,100 is available from Sewer Fund 41506, Annual Allocation - Sewer Replacement, CIP-44-001.0, for this purpose. This project is scheduled to be phase funded over FY 2003 and FY 2004.

Loveland/Belock/HR

WWF-02-609.

FILE LOCATION: SUBITEMS A&B: CONT - Ortiz Corporation;
W.O. 173291

COUNCIL ACTION: (Tape location: A610-B071.)

CONSENT MOTION BY STEVENS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-102: La Jolla Cove Stairs Replacement - Readvertisement.

(La Jolla Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-253) CONTINUED TO MONDAY, OCTOBER 14, 2002

Rejecting all bids received on September 6, 2001, pursuant to publication of notice calling for bids on La Jolla Cove Stairs Rehabilitation;

Approving the amended plans and specifications for the furnishing of all labor, material, tools, equipment, transportation and other expense necessary or incidental and inviting bids for La Jolla Cove Stairs Rehabilitation on Work Order No. 294620;

Authorizing the City Manager to execute a contract with the lowest responsible and reliable bidder;

Authorizing the expenditure of an amount not to exceed \$149,680 from CIP-29-462.0, La Jolla Cove Stairs Replacement (\$120,000 from CIP-20-013.0 and \$29,680 from Fund 11500);

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K02013A)

CITY MANAGER SUPPORTING INFORMATION:

The La Jolla Cove Stairs Replacement project will rehabilitate the two concrete stairways leading from Ellen Browning Scripps Park to the beach at La Jolla Cove. Steps that are wood will be replaced with concrete and damaged concrete will be repaired so that the stairways will return to their original appearance. Stainless steel handrails will be installed.

The project was originally funded at \$200,000, \$80,000 from FY99 T.O.T. Coastal Infrastructure and Facilities Fund and \$120,000 from a Coastal Conservancy Grant. The project was advertised, but on the September 6, 2001 opening date, only one bid was received. At \$276,684 it far exceeded the engineer 's estimate and total project budget.

Subsequently, the engineer's estimate has been updated, and the bid package has been restructured from lump sum to unit price to encourage bidding by both prime and subcontractors.

In addition, the FY03 budget increased the project budget by \$120,000 from Park and Recreation Grant Match CIP and \$29,680 from Park Service District Fund, for a total project appropriation of \$349,680. It is believed that readvertising will result in attracting more contractors to bid the project and obtaining lower bids than the first time.

FISCAL IMPACT:

The project budget is now \$349,680, including design, construction, inspection and contingency. Previous actions approved \$200,000, and this request will provide authorization to expend the remaining \$149,680. \$120,000 has been identified in Fund 630221, CIP-20-013.0 and \$29,680 has been identified in Fund 11500.

Loveland/Belock/PB

Aud. Cert. 2200970.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: F283-400.)

MOTION BY PETERS TO CONTINUE THE ITEM TO MONDAY, OCTOBER 14, 2002 IN ORDER FOR THE CITY MANAGER TO PROVIDE A REPORT ON THE FEASIBILITY OF INSTALLING AN ELEVATOR AT THE LIFEGUARD STATION. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-not present, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-103: Three actions related to La Jolla Crossroads Final Map and Related Items.

(University Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2003-376)

ADOPTED WITH DIRECTION AS
RESOLUTION R-297125

Approving the final map of La Jolla Crossroads.

Subitem-B: (R-2003-377 Cor. Copy) ADOPTED WITH DIRECTION AS
RESOLUTION R-297126

Authorizing the City Manager to execute a Deferred Improvement Agreement with La Jolla Crossroads 1, LLC, for the improvements to Judicial Drive and La Jolla Village Drive, in the subdivision to be known as La Jolla Crossroads.

Subitem-C: (R-2003-422) ADOPTED WITH DIRECTION AS
RESOLUTION R-297127

Approving the acceptance by the City Manager of \$66,000 for the City's interest in two certain easements (identified as Document No. 75-161524 recorded August 25, 1975, and Document No. 220037 recorded December 2, 1970) being vacated as a condition of the final map of the subdivision known as La Jolla Crossroads.

CITY MANAGER SUPPORTING INFORMATION:

This map proposes the subdivision of a 33.782 acre site into 12 lots for residential and industrial development. It is located southwesterly of I-805 and La Jolla Village Drive in the University Community Plan area in Council District 1. This map requires Council approval because easements are being vacated. The easements were originally acquired in 1970 and cash in the amount of \$66,000 has been paid. On November 21, 2000 the City Council of the City of San Diego approved Resolution R-294274 for La Jolla Crossroads. The City Engineer has approved the final map and states that all conditions of the Tentative Map have been satisfied.

The public improvements required for this subdivision are shown in detail on Drawing No. 31050-1-51-D, filed in the Office of the City Clerk under Micro Number 141.36. An agreement has been entered into, and all Improvements are to be completed within two years. The estimate for the cost of public improvements is \$3,547,692 and a bond in that amount has been provided as surety.

This subdivision is located in the North University Community Plan Area, which has a Public Facilities Financing Plan which provides for the payment of FBA fees at building permit issuance.

In order to satisfy conditions 14, 15 and 22 of Resolution R-294274 approving TM-99-0647, subdivider is entering into a Deferred Improvement Agreement to assure the construction of improvements to conform to the La Jolla Crossroads Approved Transportation Phasing Plan, and to provide for the improvement of Judicial Drive and La Jolla Village Drive. The City Engineer has determined that these improvements are not required at this time. A bond in the amount of \$965,459 has been posted to assure construction.

The previously approved development project consists of 1,500 multiple dwelling units (mdu's) and 162,000 sq. ft. of scientific research use. It is planned to be developed in phases with completion of 633 mdu's in year 2004, 503 additional mdu's in 2006, and completed 364 additional mdu's and 162,000 sq. ft. of scientific research use in 2008.

The project is estimated to generate 10,300 average daily trips (ADT) and add 1,030 ADT to I-805 north of La Jolla Village Drive which carries approximately 169,400 ADT, and 2,270 ADT to I-805 south of Nobel Drive which carries approximately 198,300 ADT.

FISCAL IMPACT: None.

Ewell/Broughton/GB

FILE LOCATION: SUBITEMS A, B&C: LAND-Progress Guide & General Plan - University Community Plan, La Jolla Crossroads (09)

COUNCIL ACTION: (Tape location: F150-229.)

MOTION BY PETERS TO ADOPT WITH DIRECTION THAT THE CITY ATTORNEY OR THE CITY MANAGER PROVIDE INFORMATION REGARDING WHY THESE ITEMS ARE BROUGHT BEFORE COUNCIL SINCE THEY ARE MINISTERIAL ACTIONS AND THE COUNCIL HAS NO DISCRETION TO DISAPPROVE THEM. ENSURE THAT WHEN THE INFRASTRUCTURE IS BUILT THAT IT IS AT LEAST CONCURRENT, IF NOT AHEAD OF, THE ADDITIONS OF THESE UNITS. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-not present, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-104: Design Agreement with Rick Engineering Company for Sewer and Water Group Jobs.

(See memorandum from Frank Belock, Jr. dated 7/23/2002.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2003-260) ADOPTED AS RESOLUTION R-297128

Authorizing the City Manager to execute an agreement with Rick Engineering Company for Sewer and Water Infrastructure Design Services for the Engineering and Capital Projects Department [Agreement], in an amount not to exceed \$1,500,000;

Authorizing the expenditure of an amount not to exceed \$200,000 from Water Fund 41500, and an amount not to exceed \$1,300,000 from Sewer Fund 41506;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 7/31/2002, NR&C voted 4 to 0 to approve. (Councilmembers Wear, Frye, Madaffer and Inzunza voted yea. Councilmember Peters not present.)

CITY MANAGER SUPPORTING INFORMATION:

In an effort to support the increase rate of replacement of the City's aging sewer lines, it was anticipated that the use of consultant services would be needed. On August 24, 2001, the City Consultant Services Coordinator advertised for engineering consulting firms to provide planning and design services for various sewer and water group jobs.

The advertisement had been placed in the San Diego Daily Transcript, Voice and Viewpoint Journal, Asian Journal, La Pressa San Diego, Integrated Marketing Systems, and City of San Diego Web Page/Public Notice. Twenty-four (24) firms responded on October 25, 2001, the Consultant Nominating Committee nominated the seventeen (17) most qualified engineering

firms to participate in the selection process. In conformance with Council Policy 300-7, these firms were interviewed and the firm of Rick Engineering Company was selected as one of the firms to provide the two (2) years of consulting services.

Engineering services required of the Consultant include preparing planning and design packages, responding to design related questions during bidding, reviewing contractor's submittals, and preparing "As-Built" drawings. These Consultant services are required in order to meet the anticipated planning and design needs for the expanded sewer main replacement program. The sub-consultants anticipated to be utilized for this work are: Dexter Wilson Engineering, BHR Consulting, Inc., Ninyo & Moore, R2H Engineering, Inc., SAF-r-DIG Utility Surveys, Inc., KTU+A, DeC Consultants, Inc., Haley & Aldrich, Moraes/Pham & Associates, and Katz & Associates.

This agreement provides for design of sewer and water group jobs by task on an hourly basis such that the fee for an individual project does not exceed \$100,000 per task and is within the standards and norms of the industry. The total contract cost shall not exceed \$1,500,000 for a period of two (2) years (from the date of execution by the City or the completion of the last authorized task).

FISCAL IMPACT:

The total estimated cost of this agreement is \$1,500,000. Funding of \$200,000 is available from Water Fund 41500 and \$1,300,000 from Sewer Fund 41506 for this purpose.

Loveland/Belock/HR

Aud. Cert. 2300170.

WWF-02-611.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: F230-241.)

MOTION BY STEVENS TO ADOPT. Second by Atkins. Passed by the following vote: Peters-not present, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-not present, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-105: Amended Subdivision Improvement Agreement for Marina Center.

(Centre City Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-407) ADOPTED AS RESOLUTION R-297129

Authorizing the City Manager to execute an amended Subdivision Improvement Agreement with L& L Center LLC, for the installation and completion of public improvements;

Releasing Performance Bond No. 865490S issued by Indemnity Company of California, in the amount of \$398,251.

CITY MANAGER SUPPORTING INFORMATION:

On June 5, 2000 per Document No. RR-293219, the City entered into a Subdivision Improvement Agreement with Reliance Development Group Inc. for the construction of public improvements for Marina Center. This project, consisting of 246 condominium units, is located between First Avenue and Front Street, Market Street and "G" Street, in the Centre City Community Plan area in Council District 1.

The property is now owned by L & L Center LLC. A time extension has been granted until April 14, 2003, and the new owner has signed an Amendment to Subdivision Improvement Agreement to assume all of the obligations of the original subdivider and complete the required work.

L & L Center LLC has provided a performance bond for the same amount as the original performance bond \$398,251. No new construction is being approved by this amendment to the Subdivision Improvement Agreement. At the time of Final Map approval, the project was estimated to generate approximately 2,060 average daily trips (ADT). Eight hundred and twenty five of these trips were estimated to occur on the nearby Interstate 5, which has an estimated near-term plus project volume of 160,825.

There are no improvements planned by Caltrans on Interstate 5 in the vicinity of this project. A Project Traffic Information Sheet has been prepared. The Amended Agreement is in accordance with Council Policy 600-21. Staff recommends approval.

FISCAL IMPACT:

None.

Ewell/Escobar-Eck/GRB

FILE LOCATION: LUP-Marina Center, 10/07/02 (65)

COUNCIL ACTION: (Tape location: A610-B071.)

CONSENT MOTION BY STEVENS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-106: Value Management Strategies, Inc., Value Engineering Services 2002-2007.

(See memorandum from Scott Tulloch dated 9/11/2002.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2003-355) ADOPTED AS RESOLUTION R-297130

Authorizing the City Manager to execute an Agreement with Value Management Strategies, Inc., in an amount not to exceed \$800,000, for Value Engineering Services for the Metropolitan Wastewater Department;

Authorizing the expenditure of an amount not to exceed \$800,000 in total from Funds 41506, 41508 and 41509.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 9/18/2002, NR&C voted 3 to 0 to approve. (Councilmembers Wear, Frye and Madaffer voted yea. Councilmembers Peters and Inzunza not present.)

CITY MANAGER SUPPORTING INFORMATION:

The City of San Diego, Metropolitan Wastewater Department has a need for professional Value Engineering (VE) Consultant services on an as-needed basis to support ongoing projects and program development. VE services provide the methodical review of a project at specific points during the design preparation to aid the City and its designers in the design development of a project. A major element of the VE process is to present innovative ideas for consideration by the City and its designers.

A typical VE workshop would last approximately five (5) days. During the VE workshop each project will be subjected to an organized multi-disciplinary process designed to find alternative ways to achieve the projects' necessary and desired functions at the lowest life cycle cost. With this process, the VE team identifies the essential project functions and possible alternative ways to achieve them, then selects the best alternatives and develops them into workable recommendations for project improvements and cost savings.

The Metropolitan Wastewater Department (MWWD) advertised for As-Needed Value Engineering Services on April 25, 2002. Two proposals were received and a selection committee was convened, in compliance with City Standards. Both companies gave presentations to the committee and Value Management Strategies (VMS) was selected as the most qualified firm. The agreement with VMS will provide value engineering services on existing and proposed MWWD facilities. Projects that will require these services include pipelines, manholes, treatment plants, pump stations and other facilities. This agreement with VMS is for Value Engineering Services for MWWD projects from FY2002 through 2007.

MBE/WBE UTILIZATION:

In keeping with the City's policy to voluntarily provide subcontracting opportunities to all interested qualified firms, including minorities and women, VMS has retained several sub-consultants as members of their consulting team in connection with this project.

Due to the nature of this contract, the percentage utilization of MBE/WBE sub-consultants is dependent upon the tasks authorized by the City and the type of work required by those tasks.

FISCAL IMPACT:

The total authorized to expend is \$800,000 for FY2002-2007 from Funds 41506, 41508 and 41509.

Mendes/Tulloch/PW

Aud. Cert. 2300248.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: F248-267.)

MOTION BY STEVENS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-not present, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-not present, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-107: Lease Amendment - Orfila Vineyards, Inc.

(San Pasqual Valley Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-314) ADOPTED AS RESOLUTION R-297131

Authorizing the City Manager to execute a First Amendment to Lease Agreement with Orfila Vineyards, Inc.

CITY MANAGER SUPPORTING INFORMATION:

In 1993, Mr. Orfila purchased the leasehold interest of the former Thomas Jaeger Winery and assumed the existing City lease. This 121 acre site is located in the San Pasqual Valley Agricultural Preserve. Mr. Orfila subsequently invested approximately \$1.5 million in improvements on the leasehold. This investment and Mr. Orfila's depth of experience has helped to make Orfila Winery Inc. a profitable business venture. A new 25 year lease was executed in 1999. An audit was performed on the old lease agreement for the period of January 1, 1995 through December 31, 1995. This audit determined that the Lessee owed the City \$20,063.96 in back rent and late fees. The Lessee disputed the audit findings.

City staff negotiated a proposed settlement with the lessee which will reduce the disputed audit deficiency by 50% and waive all associated late fees. Lessee will pay an additional .25% of all

gross income with the monthly rent until the audit deficiency is repaid (estimated at approximately 2 years). This settlement was approved by the City Council in closed session on January 24, 2002. Docketing of this resolution was delayed due to a subsequent audit deficiency that has now been paid.

The current lease language will avoid any future disputes of this nature.

FISCAL IMPACT:

\$9,119.98 one time deposit into Fund 41500.

Herring/Griffith/DCM

FILE LOCATION: LEAS-Orfila Vineyards, Inc.

COUNCIL ACTION: (Tape location: A610-B071.)

CONSENT MOTION BY STEVENS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-108: Transfer of Funds - Encanto Community Park-Patio Enclosure and ADA Upgrade.

(Encanto Community Area. District-4.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-335 Cor. Copy) ADOPTED AS RESOLUTION R-297132

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$85,258 from CIP-29-592.0, Keiller Park Tot Children's Playground Improvements, Fund No. 630221 Park and Recreation Grant Match Funding (\$49,008), and from Fund No. 15000 Park-Park and Recreation Building Fees District (\$36,250) to CIP-29-483.0, Encanto Community Park - Patio Enclosure and ADA Upgrade.

CITY MANAGER SUPPORTING INFORMATION:

The existing Encanto Community Park is located at 6508 Wunderlin Avenue in the Encanto Community Area. This project provides for American with Disabilities Act upgrades to existing Recreation Center building, including interior and exterior routes, building signage, restroom upgrades, and miscellaneous code compliance improvements. The project also includes the conversion of the existing patio area into an enclosed recreation room.

On September 14, 1999, Council authorized \$24,762 from Community Development Block Grant (CDBG) Funds for this project by Resolution No. R-292139; and on July 24, 2000, an additional \$199,980 (\$150,238 from CDBG Funds and \$49,742 from State Park and Trailer Bill Grant Funds) was authorized by Resolution No. R-293541 for a total project funding amount of \$224,742. Project design has been completed and an additional \$85,258 is needed to meet the current, construction cost estimate.

This action will transfer the necessary funds from the Keiller Park Children's Playground Improvements project to complete the Encanto Community Park - Patio Enclosure and ADA upgrade project. The Keiller Park Children's Playground Improvements project did not receive Federal grant funding that was requested last fiscal year, and the project is on hold pending future funding.

FISCAL IMPACT:

The estimated total project cost is \$310,000 of which \$224,742 has been previously authorized. The remaining funds, \$85,258, are available in CIP-29-592.0, Keiller Park Tot Children's Playground Improvements, Fund No. 630221 - Park and Recreation Grant Match Funding (\$49,008), and Fund No. 15000 - Park and Recreation Building Fees District (\$36,250).

Loveland/Belock/AO

Aud. Cert. 2300246.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: F242-247.)

MOTION BY STEVENS TO ADOPT. Second by Atkins. Passed by the following vote: Peters-not present, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-not present, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-109: San Diego Regional Revolving Loan Fund.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-396) ADOPTED AS RESOLUTION R-297133

Authorizing the City Manager to accept an additional \$300,000 of grant funds awarded to the City from the Federal Economic Development Administration to establish the San Diego Regional Revolving Loan Fund;

Declaring that the additional grant funds does not require additional matching funds as City staff has received \$500,000 of pro-rata match commitments from its partner cities of National City, Imperial Beach, and Chula Vista.

CITY MANAGER SUPPORTING INFORMATION:

On July 8, 2002, the City Council authorized the City Manager to apply for and accept a \$1.2 million grant from the Federal Economic Development Administration (EDA) to establish the San Diego regional Revolving Loan Fund (SDRLF). This authorization also provided for up to \$1.2 million of matching funds, in accordance with the EDA's requirement for this grant, from Redevelopment Agency loan repayments. On September 5, 2002, the EDA decided to award the City an additional \$300,000 of grant funds for the SDRLF. The additional \$300,000 of grant funds does not require additional matching funds as City staff has received \$500,000 of pro-rata match commitments from its partner cities of National City, Imperial Beach, and Chula Vista.

Herring/Cunningham/THR

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A610-B071.)

CONSENT MOTION BY STEVENS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-110: Seven actions related to Authorizing Suggestion Awards to City Employees.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions approving suggestion awards and directing the Auditor and Comptroller to issue warrants for the suggestions:

Subitem-A: (R-2003-337) ADOPTED AS RESOLUTION R-297134

Carlos Bravo, Ron Craig, Matt Debeliso, Russ Miller, Luis Sanchez, Zina Rummani, Eric Wildberger - Capital Improvement Projects at Water and Wastewater Facilities - \$1000

Subitem-B: (R-2003-338) ADOPTED AS RESOLUTION R-297135

Stephen Celniker - Transportation - \$50

Subitem-C: (R-2003-339) ADOPTED AS RESOLUTION R-297136

Robert Cook - Police Department - \$395.10

Subitem-D: (R-2003-340) ADOPTED AS RESOLUTION R-297137

Grace Esquer - Transportation - \$316.88

Subitem-E: (R-2003-341) ADOPTED AS RESOLUTION R-297138

Gary M. Lane, Sr. - Metropolitan Wastewater - \$500

Subitem-F: (R-2003-342) ADOPTED AS RESOLUTION R-297139

Marilyn Millikan - General Services/Print Shop - \$984.75

Subitem-G: (R-2003-343) ADOPTED AS RESOLUTION R-297140

Jimmie Grear - Transportation/Parking Management - \$286.74
Michael Reilly - Metropolitan Wastewater - \$200

FILE LOCATION: SUBITEMS A, B,C,D,E,F&G: MEET

COUNCIL ACTION: (Tape location: A610-B071.)

CONSENT MOTION BY STEVENS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-111: Arts and Humanities Month.

MAYOR MURPHY'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-380) ADOPTED AS RESOLUTION R-297141

Declaring October 2002 to be “Arts and Humanities Month” in San Diego, and urging San Diegans to participate in and to celebrate the fine arts our community has to offer.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A610-B071.)

CONSENT MOTION BY STEVENS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-112: Bernadine and Leo Masterson, 50th Anniversary.

COUNCILMEMBER WEAR'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-371) ADOPTED AS RESOLUTION R-297142

Proclaiming October 18, 2002 to be "Bernadine and Leo Masterson Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A610-B071.)

CONSENT MOTION BY STEVENS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

- * ITEM-113: Excusing Councilmember Maienschein from attending the City Council meetings of September 16 and 17, 2002 and Land Use and Housing Committee meeting of September 18, 2002.

COUNCILMEMBER MAIENSCHIN'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-373) ADOPTED AS RESOLUTION R-297143

Excusing Councilmember Brian Maienschein from attending the following scheduled meetings: City Council meetings of September 16 and 17, 2002 and Land Use and Housing Committee meeting of September 18, 2002.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A610-B071.)

CONSENT MOTION BY STEVENS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

- * ITEM-114: Excusing Councilmember Frye from the City Council Meeting of September 9, 2002.

COUNCILMEMBER FRYE'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-382) ADOPTED AS RESOLUTION R-297144

Excusing Councilmember Donna Frye from attending the regularly scheduled Council meeting of September 9, 2002.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A610-B071.)

CONSENT MOTION BY STEVENS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-115: Declaring a Continued Local Health Emergency Due to the Spread of the Hepatitis C Virus and the Human Immunodeficiency Virus (HIV).

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2003-379) ADOPTED AS RESOLUTION R-297145

Declaring a Continued Local Health Emergency due to the spread of the Hepatitis C Virus and the Human Immunodeficiency Virus (HIV) for the purpose of implementing a one-year clean needle and syringe exchange program.

CITY MANAGER'S SUPPORTING INFORMATION:

California Health and Safety Code section 11364.7 (effective January 1, 2000) acknowledges the public health threat posed by the sharing of needles and syringes by injection drug users. The Code requires a local jurisdiction to declare a local emergency due to the existence of a critical local public health crisis in order to establish a clean needle and syringe exchange program. In

order to permit development and implementation of a pilot clean needle and syringe exchange program, today's action continues the state of emergency first declared by the City Council on November 27, 2001.

FILE LOCATION: GEN'L-Local Health Emergency Due to the Spread of the Hepatitis C Virus and the Human Immunodeficiency Virus (HIV)

COUNCIL ACTION: (Tape location: D-170-182.)

MOTION BY ATKINS TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-nay, Maienschein-nay, Frye-yea, Madaffer-nay, Inzunza-yea, Mayor Murphy-nay.

* ITEM-116: Declaring a Continued State of Emergency due to Economic Circumstances in the San Diego-Tijuana Border Region.

(District-8.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2003-6) ADOPTED AS RESOLUTION R-297146

Declaring a Continued State of Emergency due to economic circumstances in the San Diego-Tijuana border region.

FILE LOCATION: GEN'L-State of Emergency due to Economic Circumstances in the San Diego-Tijuana Border Region

COUNCIL ACTION: (Tape location: A610-B071.)

CONSENT MOTION BY STEVENS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

- * ITEM-117: Declaring a Continued State of Emergency Due to Severe Shortage of Affordable Housing in the City.

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2003-427) ADOPTED AS RESOLUTION R-297147

Declaring a Continued State of Emergency Due to Severe Shortage of Affordable Housing in the City of San Diego.

FILE LOCATION: GEN'L- State of Emergency Due to Severe Shortage of Affordable Housing in the City

COUNCIL ACTION: (Tape location: A610-B071.)

CONSENT MOTION BY STEVENS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-150: Add Municipal Code Section 22.0229 (Re: City Manager's Preparation of Annual Budget Regarding Mission Bay Park and Other Regional Parks.)

(See City Manager Report CMR-02-220.)

TODAY'S ACTION IS:

Introduce the following ordinance:

(O-2003-64 Cor. Copy) INTRODUCED AS AMENDED, TO BE
ADOPTED MONDAY, OCTOBER 21, 2002

Introduction of an Ordinance amending Chapter 2, Article 2, of the San Diego Municipal Code by amending Division 2, by adding Section 22.0229, titled Preparation of the Annual Budget: Mission Bay Park and Other Regional Park

Improvements, all relating to the City Manager's preparation of the annual budget pertaining to improvements to Mission Bay Park and other regional parks.

**RULES, FINANCE AND INTERGOVERNMENTAL RELATIONS COMMITTEE'S
RECOMMENDATION:**

On 9/11/2002, RULES voted 5 to 0 to approve the proposed language to be added at Municipal Code Section 22.0229 with the following changes: 1) Page 3 of 4, Section 22.0229(b), add the words "and deferred maintenance" between the words "capital improvements" and "to Mission Bay Park;" 2) Page 3 of 4, Section 22.0229(b), change the word "Recreational" to "Capital" in the second sentence; and 3) Page 3 of 4, Section 22.0229(b), change the words "the highest priority" to "given priority." (Councilmembers Wear, Atkins, Stevens, Madaffer and Mayor Murphy voted yea.)

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: E220-F149.)

MOTION BY WEAR TO ADOPT. ACCEPT COUNCIL MEMBER INZUNZA'S AMENDMENT TO INSERT THE FOLLOWING LANGUAGE IN SECTION 22.0229, SECTION CC, AFTER THE SECOND SENTENCE, WHERE IT SAYS, "THE CITY MANAGER SHALL INCLUDE IN HIS ANNUAL PROPOSED BUDGET THAT THE REGIONAL PARK FUND BE FUNDED WITH AN AMOUNT EQUAL TO 25% OF THE ANNUAL EXCESS LEASE REVENUES COLLECTED WITHIN MISSION BAY:"

"ALLOCATION OF THE REGIONAL PARK FUND SHALL BE EQUITABLY DISTRIBUTED AMONGST BALBOA PARK, MISSION TRAILS REGIONAL PARK, SAN DIEGO RIVER PARK, OTAY RIVER PARK, COASTAL BEACHES AND MULTIPLE SPECIES CONSERVATION PROGRAM OPEN SPACE OVER THE TERM OF THIS ORDINANCE."

THIS AMENDMENT IS RELATED TO ITEM C OF THE REGIONAL PARK FUND, AND WILL REFLECT THE INTENT OF THE COUNCIL THAT, AS A SEPARATE APPROPRIATION FOR EACH OF THESE PROJECTS, THERE WOULD BE ALLOCATIONS OVER THE LIFE OF THE AGREEMENT THAT WOULD BE EQUITABLE AMONGST THESE PARKS. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-151: Vulnerability Assessments and Security Improvements at Large Drinking Water Utilities.

(See memorandum from Larry Gardner dated 9/12/2002.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2003-421) ADOPTED AS RESOLUTION R-297148

Authorizing the City Manager to apply for, enter into, conduct all negotiations for, execute a grant agreement and any amendments thereto, and comply with all grant requirements of the U.S. Environmental Protection Agency (USEPA) for vulnerability assessments and security improvements at large drinking water utilities;

Authorizing the City Manager to enter into an agreement to receive grant funds from the U.S. Environmental Protection Agency (USEPA) in an amount not to exceed \$115,000;

Authorizing the City Manager to take all actions and execute and deliver any and all agreements and other documents which they may deem necessary or advisable to consummate the Grant Agreement and the disbursement of proceeds thereof;

Authorizing the City Auditor and Comptroller to accept, appropriate and expend grant funds if secured, on advice of the administering department;

Authorizing and directing the City Auditor and Comptroller to establish a special interest-bearing fund for the grant funds.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 9/18/2002, NR&C voted 3 to 0 to approve. (Councilmembers Wear, Frye and Madaffer voted yea. Councilmembers Peters and Inzunza not present.)

CITY MANAGER SUPPORTING INFORMATION:

In response to the attacks of September 11, 2001, the United States Environmental Protection Agency received a supplemental appropriation from Congress to improve the safety and security of the Nation's water supply. The additional appropriation is intended to reduce the vulnerability of water utilities to terrorist attacks and to enhance their ability to respond to emergency situations. In support of that goal, in March, 2002, the EPA solicited grant applications from publicly owned, large drinking water systems for the purpose of developing vulnerability assessments, emergency response/operating plans, and security enhancement plans and design.

The Water Department applied for \$115,000, the maximum amount of funds available to each agency, and has been approved for the full funding amount. The funds will be utilized to complete a vulnerability assessment and develop an Emergency Operation Plan. The assessment will include a systematic analysis that will be used to develop a security protection plan for the City's water supply, treatment and distribution systems. The Emergency Operation Plan will be used as a guide upon which actions and decisions can be based to govern the immediate response to an emergency, including remedy and recovery procedures, related to water supply.

An outside consultant firm will be utilized to perform the assessment and develop the plan, in compliance with EPA guidelines, and will not exceed \$115,000.

FISCAL IMPACT:

\$115,000 in grant funding will be deposited into the Water Operating Fund 41500.

Mendes/Gardner/CCW

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: E100-114.)

MOTION BY MADAFFER TO ADOPT. Second by Inzunza. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-152: Memorandum of Understanding Between City and San Diego Unified School District for Development and Maintenance of Joint Use Facilities.

(See City Manager Report CMR-02-205).

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2003-445) ADOPTED AS AMENDED AS RESOLUTION R-297149,
AMENDING THE MOU ONLY

Authorizing the City Manager to execute a Memorandum of Understanding [MOU] between the City of San Diego and San Diego Unified School District for Development and Maintenance of Joint Use Facilities Agreement.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 9/18/2002, NR&C voted 4 to 0. (Councilmembers Wear, Frye, Madaffer and Inzunza voted yea. Councilmember Peters not present.)

- A. Recommend adoption of the City Manager's recommendations.
- B. Direct staff to review the feasibility of using artificial turf, where appropriate or desired, in lieu of natural turf. Include a cost/benefit analysis as part of the review and direct the Park and Recreation Department and the Water Department to seek funding/grant possibilities.
- C. Amend Page Six, Section A, Paragraph Three, of the Memorandum of Understanding between the City of San Diego and the San Diego Unified School District for Development and Maintenance of Joint Use Facilities, to strike the words "due to excessive use or misuse."
- D. Amend Page Three, Section E, of the Memorandum of Understanding between the City of San Diego and San Diego Unified School District for Development and Maintenance of Joint Use Facilities, to include language that would notify Community Planning Groups of Recreation Council Meetings regarding proposed Joint Use Sites. Staff to draft suggested language before item is heard before the full City Council.

- E. Ensure that Community Planning Groups are part of the process in the Master Planning of Parks.
- F. Report back to the Natural Resources and Culture Committee regarding the issue of a community's population-based park standards.

CITY MANAGER SUPPORTING INFORMATION:

The proposed Memorandum of Understanding between the City and the San Diego Unified School District regarding the development and maintenance of joint use facilities was discussed at the September 18, 2002 Natural Resources & Culture Committee hearing. After receiving public testimony, the Committee recommended adoption of the City Manager's recommendations with the following conditions: 1) that recognized community planning committees be invited to participate in the process of updating the Recreation Element of the General Plan as part of the approved Strategic Framework Plan implementation, which may include a city-wide parks master planning effort; 2) that the words "due to excessive use or misuse" be struck from Section IV.A paragraph 2; and 3) that language be inserted in Section I.A.3.e that recognized community planning committees be notified whenever a proposed joint use project is to be considered by a recreation council so they may participate in the discussion.

Additionally, staff was directed to review the feasibility of using artificial turf, where appropriate and desired, in lieu of natural turf on joint use sites, including a cost/benefit analysis, and to seek funding/grant opportunities (e.g., via the Water Department, or County Water Authority), and to report back to the NR&C Committee. And, staff was directed to report back to the NR&C Committee regarding the issue of attributing joint use acreage towards satisfying population-based park standards.

Conditions # 2 and 3 have been incorporated into the proposed MOU. It should be noted, however, that it is the Park and Recreation Department's expectation that when a community planning committee chairperson is notified of a future recreation council meeting where proposed joint use projects will be considered, the chairperson or a designated representative of the planning committee will attend the recreation council meeting to give input, and when time permits, the chairperson will disseminate the information to other planning committee members so they too can participate.

Two issues were raised subsequent to the NR&C Committee hearing which have been addressed in the proposed Joint Use MOU, as follows: 1) the Deputy City Attorney and Director of Real Estate Assets Department recommended modification to the MOU pertaining to the application of land value to the Master Ledger to ensure that the proposed Master Agreement and the proposed MOU jibe with each other. The recommended modifications are shown in Sections III.A, III.B, and new Section III.C; and 2) the Deputy City Attorney recommended additional

language to Section II.C to clarify that joint use property proposed to be converted for another use must be mutually agreed upon, thereby eliminating the possibility of structures or equipment for school purposes being placed on dedicated parkland which happens to be within a delineated joint use area.

FISCAL IMPACT:

There will be no fiscal impact resulting from this action.

Herring/Oppenheim/DS

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B072-E099.)

MOTION BY MADAFFER TO ADOPT. ACCEPT COUNCIL MEMBER ATKINS' AMENDMENT TO THE MOU AND COUNCIL POLICY TO REFLECT THE FOLLOWING CHANGES IN THE TEXT:

ON PAGE 3, SECTION D, THE WORDS "MAY BE" IN THE CURRENT DRAFT ARE TO BE REPLACED WITH THE WORD "ARE."

ON PAGE 3, SECTION E OF THE MOU DRAFT, IN THE FIRST SENTENCE THE WORD "OR" WILL BE USED, AND THE WORD "AND" AND THE WORDS "IF NECESSARY" WILL BE STRICKEN. ALSO, THE SENTENCE BEGINNING WITH "THE COMMUNITY PLANNING COMMITTEE WILL BE NOTIFIED WHENEVER A JOINT USE PROJECT IS TO BE CONSIDERED BY THE RECREATION COUNCIL SO THAT THEY MAY GIVE INPUT", WILL BE RETAINED.

ACCEPT COUNCIL MEMBER FRYE'S REQUEST TO DEVISE A METHOD OF HOW TO CALCULATE THE ACREAGE FOR JOINT-USE FACILITIES FOR THOSE FACILITIES WHICH ARE COUNTED AS 100% USE, THOUGH THE PUBLIC CANNOT USE THEM ALL THE TIME. THE ACREAGE SHOULD BE REDUCED SO THAT IT MORE EQUITABLY REFLECTS THE PUBLIC'S ACTUAL ABILITY TO USE THAT LAND. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-200: Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico.

(See City Manager Report CMR-02-221. District-8.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2003-331) TRAILED TO TUESDAY, OCTOBER 8, 2002

Declaring a Continued State of Emergency regarding the discharge of raw sewage from Tijuana, Mexico.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: F401-652.)

ITEM-250: Settlement of the Personal Injury Claim of Damon Raspolich.

(R-2003-247)

Adopted as Resolution R-297076.

A Resolution approved by the City Council in Closed Session on Tuesday, September 17, 2002, by the following vote: Peters-yea; Wear-yea; Atkins-yea; Stevens-yea; Maienschein-not present; Frye-yea; Madaffer-yea; Inzunza-yea; Mayor-yea.

Authorizing the City Manager to pay the total sum of \$50,000 in the settlement of each and every claim against the City, its agents and employees, resulting from the personal injury to Damon Raspolich (United States District Court, Southern District of California, Case No. 01cv2501 H (JFS), Raspolich v. City of San Diego, et al.);

Authorizing the City Auditor and Comptroller to issue one check in the amount of \$50,000 made payable to Damon Raspolich and Michael R. Marrinan, his

attorneys of record, in full settlement of the law suit and all claims; said funds are to be payable from Fund No. 81140, Public Liability Reserve Fund.

Aud. Cert. 2300277.

ITEM-251: Settlement of the Personal Injury Claim of Jeannie Pigeonutt.

(R-2003-395)

Adopted as Resolution R-297117.

A Resolution approved by the City Council in Closed Session on Tuesday, September 24, 2002, by the following vote: Peters-yea; Wear-not present; Atkins-yea; Stevens-yea; Maienschein-yea; Frye-yea; Madaffer-not present; Inzunza-yea; Mayor-yea.

Authorizing the City Manager to pay the sum of \$117,266 in the settlement of each and every claim against the City, its agents and employees, resulting from the personal injury to Jeannie Pigeonutt (Superior Court Case No. GIC-777573, Jeannie Pigeonutt v. City of San Diego, et al.);

Authorizing the City Auditor and Comptroller to issue one check in the amount of \$35,066 made payable to American General Annuity Service Corporation, and one check in the amount of \$82,200 to Jeannie Pigeonutt and her attorneys, Jeffrey F. LaFave and John J. Rice, in full settlement of all claims.

Aud. Cert. 2300321.

ITEM-252: Notice of Completion and Acceptance of Subdivision Improvement Agreement.

Notice is hereby given that the City Manager of the City of San Diego intends to file a "Notice of Completion and Acceptance of Subdivision Improvement Agreement" indicating that the improvements included in the Subdivision Improvement Agreement have been satisfactorily completed for the following subdivisions:

SUBDIVISION

Scripps Ranch North Unit No. 16

Scripps Ranch North Unit No. 19

COMMUNITY AREA

Miramar Ranch North

Miramar Ranch North

The certification shall be recorded 15 days after the date this notice appears on the Council Docket or shortly thereafter. If any person wishes to object to the filing of this notice, such person should communicate the objection on or before that date to the Director or Planning and Development Review or to the Subdivision Engineer, City Operations Building, 1222 First Avenue (MS 507), San Diego, CA 92101.

ITEM-S400: Homeless Awareness Month.

COUNCILMEMBER ATKINS' RECOMMENDATION:

Adopt the following resolution:

(R-2003-438) CONTINUED TO MONDAY, OCTOBER 21, 2002

Recognizing the existence and plight of homeless population of the City of San Diego and encouraging the goals and missions of those that fight to end homelessness in San Diego;

Proclaiming October 2002 to be "Homeless Awareness Month" in the City of San Diego.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A056-064.)

MOTION BY ATKINS TO CONTINUE THE ITEM TO MONDAY, OCTOBER 21, 2002, FOR FURTHER REVIEW. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.

ITEM-S401: Disability Awareness Month.

COUNCILMEMBER FRYE'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-437) ADOPTED AS RESOLUTION R-297150

Recognizing the City's Community and Economic Development Department for their commitment to help make all San Diegans aware of the rights and needs of citizens with all types of disabilities;

Proclaiming October 2002 to be "San Diego Disability Awareness Month" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A330-609.)

MOTION BY FRYE TO ADOPT. Second by Atkins. Passed by the following vote:
Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-S402: Quincy Troupe Day.

MAYOR MURPHY'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-484) ADOPTED AS RESOLUTION R-297151

Proclaiming October 7, 2002 to be "Quincy Troupe Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A065-174.)

MOTION BY WEAR TO ADOPT. Second by Stevens. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.

* ITEM-S403: Rideshare Week.

MAYOR MURPHY'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-483) ADOPTED AS RESOLUTION R-297152

Proclaiming October 7 through 11, 2002 to be "Rideshare Week" in San Diego and encouraging local businesses and employees to seek creative transportation methods to help reduce rush hour traffic congestion on our local streets and freeways.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A610-B071.)

CONSENT MOTION BY STEVENS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-S404: Leukemia and Lymphoma Society's Light the Night Walk.

COUNCILMEMBER ATKINS' RECOMMENDATION:

Adopt the following resolution:

(R-2003-448) ADOPTED AS RESOLUTION R-297153

Commending the efforts of the Leukemia and Lymphoma Society, and declaring that the fight to eradicate such diseases must continue until a cure is found;

Proclaiming October 5, 2002 to be "Light the Night Walk Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A610-B071.)

CONSENT MOTION BY STEVENS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-S405: St. George Serbian Orthodox Church 50th Anniversary Celebration Day.

COUNCILMEMBER FRYE'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-436) ADOPTED AS RESOLUTION R-297154

Recognizing the contributions of St. George Serbian Orthodox Church to the greater San Diego community and to the rich cultural fabric of the City of San Diego;

Proclaiming October 13, 2002 to be the 50th Anniversary Celebration Day of St. George Serbian Orthodox Church.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A610-B071.)

CONSENT MOTION BY STEVENS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-S406: Reappointments to the San Diego Transit Board.

(See memorandum from Mayor Murphy dated 9/30/2002 with resumes attached.)

MAYOR MURPHY'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-485) ADOPTED AS RESOLUTION R-297155

~~Council confirmation of the following reappointments by the Mayor~~ Nominations for reappointments to the Metropolitan Transit Development Board (MTDB), to serve as City members of the San Diego Transit Board, for terms ending June 30, 2004:

Patricia K. Krebs

Frank Panarisi

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A610-B071.)

CONSENT MOTION BY STEVENS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-S407: Eleventh Amendment to the Agreement for Use of the Tijuana Emergency Connection.

(San Ysidro and Tijuana River Valley Community Areas. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-386) TRAILED TO TUESDAY, OCTOBER 8, 2002

Authorizing the City Manager to execute Amendment No. 11 to the existing Agreement with the International Boundary and Water Commission, for the use of the Tijuana emergency connection.

CITY MANAGER SUPPORTING INFORMATION:

In 1990, the City agreed to treat up to 13 million gallons per day (mgd) of Tijuana sewage in the City's Metropolitan Wastewater System (Metro) as an interim solution to the border sanitation problem, until the International Treatment Facilities were constructed. The City entered into an agreement with the International Boundary and Water Commission (IBWC) on July 22, 1991 to treat Tijuana sewage. The existing agreement expires on September 30, 2002. This Eleventh Amendment will extend the agreement until September 30, 2003.

Phase I of the International Wastewater Treatment Plant, which came on line in May 1997, and the South Bay Ocean Outfall, which was completed in December 1998, can process and dispose of up to 25 mgd of Tijuana sewage. Upgrades to the Tijuana sewage system were completed in late 2000 which included the construction of a new pump station and parallel force main. As a result of these Tijuana system improvements the emergency connection has not been utilized since September 2000. However, it is recommended that this agreement be extended for another year to provide a safeguard, should an emergency arise in which it is necessary to divert Tijuana sewage to the Metro System.

FISCAL IMPACT:

In Federal Fiscal Year 2003, the IBWC will be charged a rate of \$487.98 per million gallons of flow, plus \$128.20 per thousand pounds of Total Suspended Solids and \$53.34 per thousand pounds of Chemical Oxygen Demand for treatment of Tijuana sewage.

Mendes/Tulloch/CW

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: F401-652.)

ITEM-S408: Two actions related to Approving the Plans and Specifications for the Construction of Environmental Services Operations Center.

(Mira Mesa Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2003-385) TRAILED TO TUESDAY, OCTOBER 8, 2002

Approving the plans and specifications for the construction of Environmental Services Operations Center North Storm Drain and Manual Truck Wash;

Authorizing the City Auditor and Comptroller to transfer \$495,000 from CIP-32-023.0, South Chollas Landfill Photovoltaics, Fund No. 41201 and \$330,000 from CIP-37-255.0, Miramar Landfill General MRF, Fund No. 41201 to CIP-32-021.0, Environmental Services Yard Improvements, Fund No. 41201;

Approving the expenditure of \$825,000 from CIP-32-021.0, Environmental Services Yard Improvements, Fund No. 41201 for construction projects at the Environmental Services Operations Center;

Declaring that the expenditure of \$825,000 from CIP-32-021.0, Fund No. 41201 shall include an amount not to exceed \$20,000 for the acquisition of property rights, appraisal, escrow, title, labor, and miscellaneous costs for the Environmental Services Operations Center North Storm Drain Project;

Authorizing the City Manager to execute a construction contract with the lowest responsible and reliable bidder provided that the City Auditor and Comptroller first furnishes a certificate demonstrating that the funds necessary for the expenditure are, or will be, on deposit in the City Treasury;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to return excess budgeted funds, if any, to the appropriate reserves.

Subitem-B: (R-2003-423) TRAILED TO TUESDAY, OCTOBER 8, 2002

Certifying that the information contained in Environmental Negative Declaration No. 88-0091, dated April 4, 1998, as amended, has been completed in compliance

with the California Environmental Quality Act of 1970, as amended, and State guidelines, and that said Declaration has been reviewed and considered by this Council;

Directing the City Clerk to file a Notice of Determination with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

CITY MANAGER SUPPORTING INFORMATION:

The Environmental Services Department (ESD) Operations Center Project was authorized by the City Council as part of CIP-37-356.0, Environmental Services Administration Building and Operations Yard Construction, on December 7, 1999, Resolution No. R-292578. This project facilitated centralization of collection services, including refuse, recycling, yard-waste and street litter collection services, at a single station. ESD has acquired the existing facility at 8353 Miramar Place and a Notice of Completion was filed in December 2001.

The new facility is accommodating the department's collection activities which involves 250 truck drivers and other staff support, and the supervision and management of these functions. It also provides facilities for the maintenance, fueling and storage of approximately 180 heavy duty refuse packers.

This project facilitates the City's commitment to a Clean Energy Project involving conversion of its heavy duty collection fleet from diesel power to a cleaner burning dual fuel liquid natural gas (LNG) system.

An additional \$825,000 is required to finalize the negotiations and acquisition of necessary easements on the northeast side of the project and complete the design and installation of the drainage improvements required by State Storm Water regulations, provide funding for an expanded employee patio drainage system, a Manual Truck Wash, line safety measures such as a cross walk with flashing beacons, enhanced security measures, pavement replacement with subgrade compaction, and completion of the Governor Drive Landfill Exit Road. As a result of this action, these additional improvements will be included in CIP-32-021.0, which provides for various upgrades to the Environmental Services Yard.

FISCAL IMPACT:

Total project cost for CIP-32-021.0, Environmental Services Yard Improvements, is estimated to be \$1,825,000, of which \$273,000 was previously authorized by the Fiscal Year 2003 Capital Improvements Program Budget (Ordinance O-19083). This request is to transfer \$495,000 from

CIP-32-023.0, Fund No. 41201, and \$330,000 from CIP-37-255.0, Fund No. 41201, to CIP-32-021.0.

Loveland/Belock/AO

Aud. Cert. 2300303.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: E115-124.)

ITEM-S409: Master Agreement between City and San Diego Unified School District Acquisition and Disposition of Real Property Interests.

(See City Manager Report CMR-02-206.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-453) ADOPTED AS RESOLUTION R-297156

Authorizing the City Manager to execute an agreement entitled Master Exchange Agreement with the San Diego Unified School District (District), for the future exchange, purchase and/or disposition of property interests between the City and the District;

Authorizing the City Auditor and Comptroller to appropriate and transfer an amount not to exceed \$500,000 from Capital Outlay Revolving Fund 30245, Dept. 3245, Org. 102, to the newly created Capital Outlay Fund for the Acquisition and Disposition of Real Property Interests Fund 302454.

Aud. Cert. 2300369.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B072-E099.)

MOTION BY MADAFFER TO ADOPT. Second by Peters. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ADJOURNMENT:

The meeting was adjourned by Mayor Murphy at 6:31 p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: F653).